

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/24/4494

Re: Property at 18D East High Street, Forfar, DD8 2EG (“the Property”)

Parties:

Mrs Helen Fleming, Roselea, 4 Taylor Street, Forfar, DD8 3JQ (“the Applicant”)

Miss Nicole Butterworth, 18D East High Street, Forfar, DD8 2EG (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 17 October 2016 the Applicant let the property to the Respondent. The initial period of lease was 17 October 2016 until 16 April 2017.
2. Prior to the lease being signed, a Notice in terms of section 32 of the Housing (Scotland) Act 1988 (“the 1988 Act”) - commonly known as a form AT5 – was served upon and signed by the Respondent. The lease is, accordingly, a short assured tenancy in terms of the 1988 Act.
3. A Notice to Quit dated 8 April 2024 was served upon the Respondent requiring vacant possession of the subjects as at 16 September 2024.

4. A Notice in terms of s33 of the 1988 Act was served upon the Respondent, again requiring vacant possession as at 16 September 2024.
5. The Applicant subsequently presented an Application to the Tribunal seeking an Order for Eviction.

THE CASE MANAGEMENT DISCUSSION

6. The Applicant did not participate in the Case Management Discussion but was represented by Mr I Skea of Bell Ingram Letting Agents. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.
7. Mr Skea moved the Tribunal to grant an order for eviction. He explained that the Applicant was wishing to sell the Property. She owns another property within the same block. The other property is presently vacant, and the intention is to sell both properties as the Applicant is looking to divest her portfolio.
8. While there was no appearance by or on behalf of the Respondent, the Tribunal made enquiry in relation to her circumstances. In so far as Mr Skea was able to advise the Tribunal, he understands the Respondents’ position to be as follows:-
 - He does not know what age she is.
 - She resides at the Property herself.
 - There are no children living at the Property with the Respondent.
 - She is in arrears of rent. Part of her rent is paid by way of benefits. She has not, however, been making up the difference required.
 - As at the date of the Case Management Discussion arrears of rent amount to £1,416.00.
 - No payments have been received since June 2025. It is accepted, however, that there may be a delay in the payment of benefits since then due to a change over from Housing Benefit to Universal Credit.
 - Any issues with benefits arising from a change over to Universal Credit is a recent matter, arising only since June 2025. There are no known issues in relation to payment of benefits prior to that. Indeed, as stated, the rental payments which were received were by way of benefit payments.
 - The Respondent has not been in contact with the Applicant nor the Applicant’s agents in the past 6 weeks.

- It is not known whether the Respondent has engaged with the Local Authority with a view to securing alternative accommodation.

REASONS FOR DECISION

9. In the absence of any appearance by or on behalf of the Respondent, and in the absence of any opposition to the application, and having regard to the information provided by the Applicant's representative, the Tribunal granted an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988.

Order not to be executed prior to 12 noon on 3rd September 2025

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Virgil Crawford

28 July 2025

Legal Member/Chair

Date